

### **Remarks**

Claims 12-23 are pending in the application, of which claims 22 and 23 are withdrawn; claims 12-20 are rejected; and claim 21 is objected to. The specification is objected to by the Examiner. Applicant traverses these rejections, however by this paper Applicant amends claims 12, 13, 14 and 21; cancels claims 15 and 16 and amends the specification.

By this paper, claim 12 has been amended to include limitations previously presented in claims 13-16. Specifically, claim 12 has been amended to include the "multi-layered sidewall" limitation of claim 13; and bushing limitations of claims 14-16. Claim 12 as amended also includes limitations disclosed in Figure 7. Additionally, claim 12 as amended eliminates the inconsistency in nomenclature in the previously presented claims 15 and 21, regarding internal and external portions of the bushing. Claim 21 has been rewritten in independent format as suggested by the Examiner.

### ***Election/Restrictions***

The Examiner has withdrawn claims 22 and 23 under 37 CFR 1.142(b) and MPEP § 821.03 for being directed to an invention that is distinct from the invention originally claimed. (Pages 2 and 3 of the Office Action of June 23, 2010). Claims 22 and 23 are directed to a method for orienting a nested bag assembly, whereas claims 12-21 are directed to a bag assembly. Accordingly, by this paper claims 22 and 23 are withdrawn.

### ***Specification Objection***

The Examiner has objected to the specification under 35 U.S.C. § 132(a) for introducing new matter. The Examiner states that the amendment to paragraph [0013], made in the Amendment of October 20, 2009, introduces new matter. (Pages 5 and 6 of the Office Action of June 23, 2010). Accordingly, by this paper Applicant amends paragraph [0013] to remove the amendments made in the Amendment of October 20, 2009.

***Claim Rejections - 35 U.S.C. § 103***

**Rejection of Claims 12-20  
Over Grazziotin in View of Nestler**

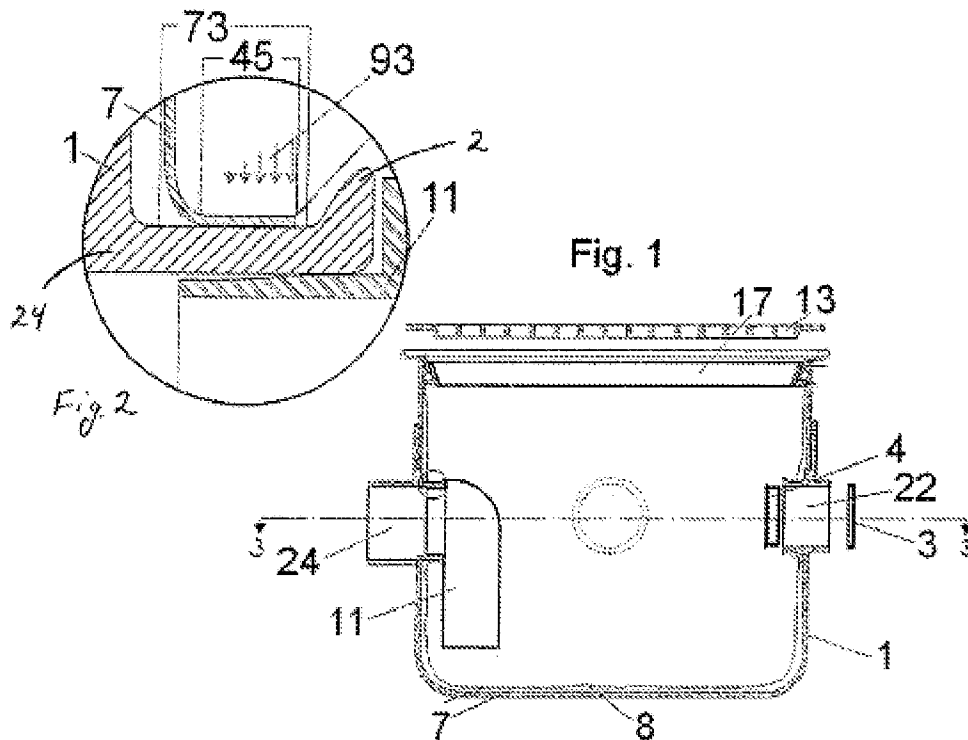
The Examiner has rejected claims 12-20 under 35 U.S.C. § 103 (a) as being unpatentable over Grazziotin (US 7,080,751), hereinafter "Grazziotin" in view of Nestler (US 3,512,338), hereinafter "Nestler".

Claim 12 as amended requires a "bushing having: an internal fitting projecting outwardly through the external bag . . . and an external fitting opposite the internal fitting, the external fitting projecting inwardly through the at least two internal bags". (emphasis added). The Examiner relies on the outlet pipe 24 of Grazziotin for satisfying the bushing limitation for previously presented claims 14 and 15, and the teachings of Nestler for satisfying the nested bags limitations of claim 12. (Pages 3 and 4 of the Office Action of June 23, 2010). The Examiner relies on the same peripheral portion 45 of Grazziotin's outlet pipe 24 for satisfying both the internal and external fitting limitations. (Page 4 of the Office Action of June 23, 2010). The peripheral portion 45 of Grazziotin's outlet 24 is not "opposite" itself. The Examiner's combination of Grazziotin's outlet pipe 24 and Nestler do not teach or suggest "the bushing having . . . an external fitting opposite the internal fitting", and therefore claim 12 is nonobvious over the Examiner's combination.

Grazziotin teaches two alternate arrangements of securing a liner 7 (bag or bags) to a container about an inlet pipe 22 and an outlet pipe 24. Arrangement 1 of Grazziotin teaches a multi-layered liner 7 coupled to a container 1. (Grazziotin, Fig. 13). Arrangement 2 of Grazziotin teaches creating a seal by compressing a liner 7 between a fitting 71 and an inlet pipe 22. (Grazziotin, Fig. 17). However Grazziotin does not teach or suggest combining these arrangements.

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The first arrangement of Grazziotin includes a liner 7 coupled to a container 1 about the inlet 22 and outlet 24 such that peripheral portions of the liner 7 extend inward and over a portion of the inlet 22 and outlet 24. (Grazziotin, Fig. 1). Figures 1 and 2 of Grazziotin are reproduced below:



With respect to Figure 2, Grazziotin discloses:

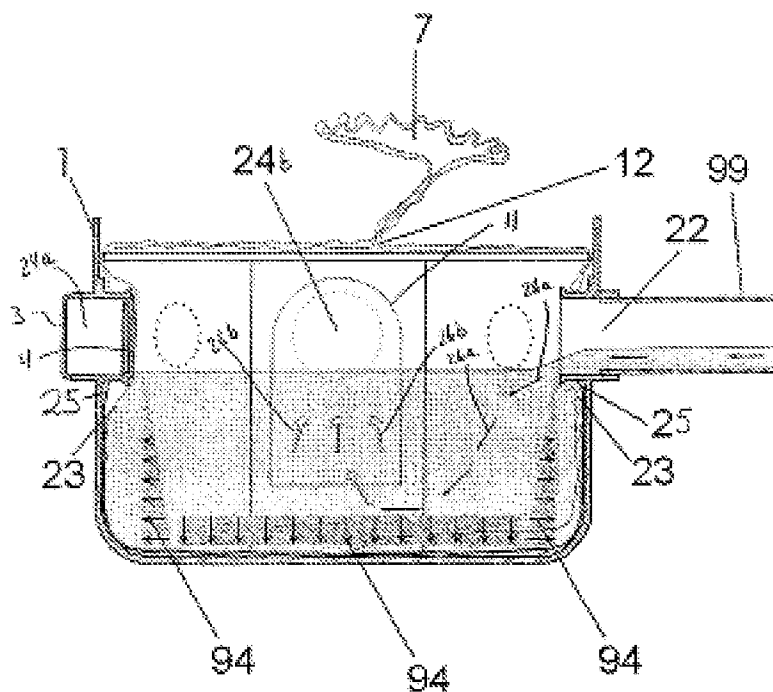
When the liner is placed in the container, as shown in FIG. 1, an opening in the liner, as shown in an enlarged view in FIG. 2, snugly fits around an outer surface 73 of the outlet pipe 24, for example. The peripheral portion 45 of the open portion of the liner is stretched to fit over a protrusion 2 of the outlet pipe and hold tightly against surface 73 under a bias force 93 holding the portion 45 onto close contact with the outlet pipe 24.

Grazziotin, Col. 3, line 64 – Col. 4, line 4.

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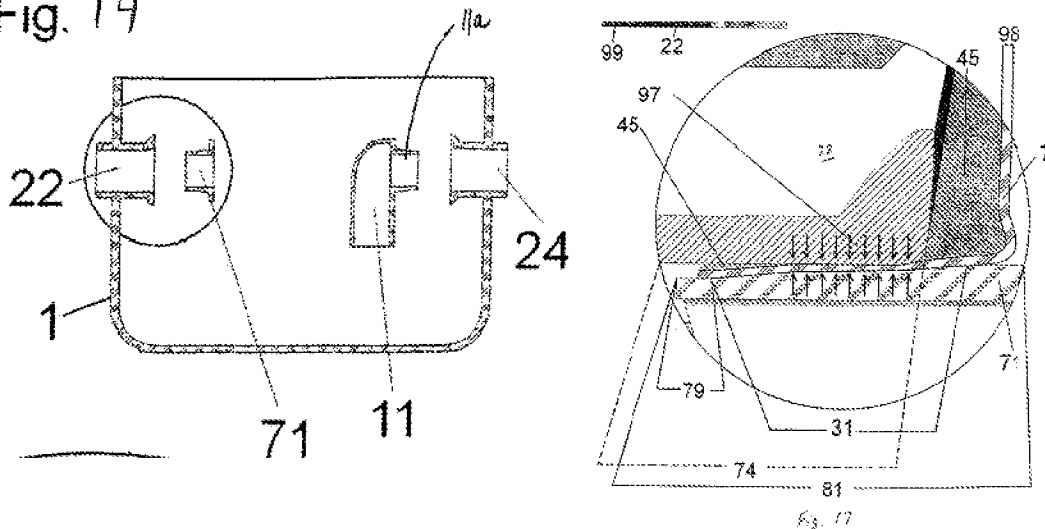
Figure 13 of Grazziotin illustrates the first arrangement with a "double layer liner 7". (Grazziotin, Col. 4, lines 58-65). Grazziotin teaches a "liner 7 [that] is formed of an outer film layer 25 secured along edges or folds 19 to an internal, thinner film layer 23." (Figs. 9-13, Col. 4, lines 47-50). Figure 13 of Grazziotin is reproduced below:

Fig. 13



Grazziotin's alternate arrangement (Arrangement 2) of securing the liner 7 to the container about the inlet 22 and outlet 24 is illustrated in Figures 14-17. Grazziotin teaches a "liner 7 [that] is wedged between the coupling device 71 and the inlet pipe 22. . . ." (Fig. 17, Col. 5, lines 34-35). As illustrated in Figs 14-17 of Grazziotin, the coupling device 71 must be disconnected from the container 1 to remove the liner 7. Figures 14 and 17 of Grazziotin are reproduced below:

Fig. 14



Although Grazziotin teaches a multi-layered liner 7 and creating a seal by compressing a liner 7 between a fitting 71 and an inlet 22, Grazziotin does not teach or suggest combining these arrangements. One would not be motivated to attach a liner 7 having multiple layers about a peripheral portion of the inlet and outlet (Grazziotin Fig. 13) then create a seal by compressing another liner 7 between an inner portion of the inlet 22 with a fitting 71 (Grazziotin Figs. 14-17) because the fitting 71 would have to be disconnected from the inlet 22 to remove a layer of the liner 7, and thereby breaking the seal.

Applicant is also the inventor of the Grazziotin reference. Applicant's bag assembly provides improvements over the teachings of Grazziotin (his own teachings). In paragraph [0026], Applicant discloses how the teachings of Grazziotin inspired the design of the bushing 14, which allows for the combination of the first and second arrangements of Grazziotin to provide a new result.

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Referring to FIGS. 5-9, in order to integrate the present invention with PI9801250 [Arrangement 1 of Grazziotin] and CI9801250 [Arrangement 2 of Grazziotin] technologies, I created a bushing (14) with two fitting regions per internal fitting region (28) and an external fitting region (27). The internal region (28) is used for fitting and sealing between the set and the container, which can serve for the fitting of one external bag 18, resulting in the type of sealing mentioned in C19801250 and the external region (27) is used for fitting in the respective lateral opening of a set of bags in order to promote sealing when liquids flow from the more central bag to any of the subsequent bags of the HP-bag assembly (16), by means of the technique mentioned in PI9801250.

Paragraph 0026, with annotations in brackets.

Figures 7 and 9 of the application are reproduced below:

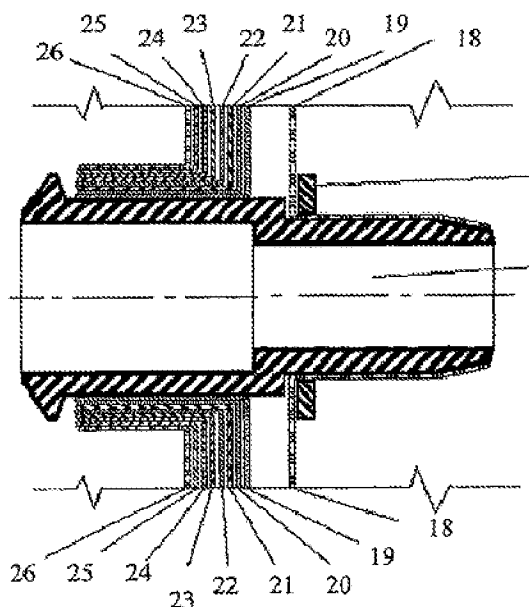


Fig. 7

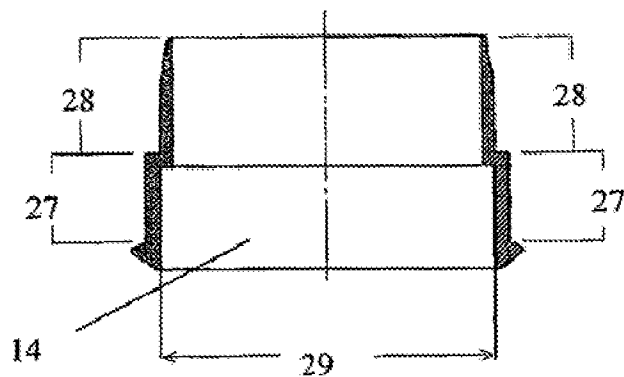


Fig. 9

Claim 12 requires "at least one bushing . . . projecting through the multilayered sidewall . . . wherein the at least one bushing is configured to allow an innermost internal bag . . . to be selectively decoupled from the external fitting and removed from the bag assembly . . .

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without removing the bushing from the inlet or disrupting the seal." (emphasis added). The combination of Grazziotin and Nestler does not provide all of the claim limitations and the combination does not provide any reason to include all of the claim limitations; therefore claim 12 is nonobvious over Grazziotin and Nestler.

Claims 13 and 14 depend from claim 12 and therefore are nonobvious over the Examiner's combination for at least the reasons stated above for claim 12.

Claims 15 and 16 are cancelled by this paper.

Claim 17 requires "at least one bushing . . . being received by an inlet of the container for forming a seal". The Examiner does not specifically identify an element of Grazziotin to satisfy the bushing limitation in his rejection of claim 17. However, the Examiner relies on the outlet pipe 24 of Grazziotin for satisfying the bushing limitation for claims 14, 15, 18 and 19. (Pages 3-5 of the Office Action of June 23, 2010). Therefore Applicant assumes the Examiner relies on the outlet pipe 24 of Grazziotin for satisfying the bushing limitation of claim 17. The Examiner relies on Nestler for satisfying the nested bags limitations. (Page 3 of the Office Action of June 23, 2010).

The outlet pipe 24 of Grazziotin is integrally formed as part of the container 1. (Grazziotin, Fig. 1). Since the outlet pipe 24 of Grazziotin is integrally formed as part of the container 1, the outlet pipe 24 is not "received by an inlet of the container" as claimed. The Examiner's combination of Grazziotin's outlet pipe 24 and Nestler do not teach or suggest "at least one bushing . . . being received by an inlet of the container for forming a seal", and therefore claim 17 is nonobvious over the Examiner's combination.

Claims 18-20 depend from claim 17 and therefore are nonobvious over the Examiner's combination for at least the reasons stated above for claim 17.

***Allowable Subject Matter***

The Examiner has indicated that claim 21 would be allowable if rewritten in independent form including all of the limitations of the base claim and intervening claims. Claim 21 depends from independent claim 17. By this paper claim 21 has been amended to include the limitations of claim 17.

***Conclusion***

In view of the foregoing, Applicant respectfully asserts that the application is in condition for allowance, which allowance is hereby respectfully requested.

Please charge any fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978.

Respectfully submitted,

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